## REMARKS

Claims 1, 8, 14-35 and 60-68 are cancelled without prejudice. Claims 2-7, 9-12, 36, 38, 39, 43, 45, 46, 69, 74 and 78 are amended. Claims 80-94 are added. Claims 2-7, 9-13, 36-59, 69-94 remain in the application for consideration. In view of the following remarks, Applicant respectfully requests reconsideration and allowance of the subject application.

### Election/Restriction

Applicant hereby affirms its election of the claims of Group I—claims 1-13, 35-59 and 69-79. Accordingly, non-elected claims have been cancelled without prejudice.

### Drawing Objections

The Office objects to the drawings in the present application because, as the Office states, they fail to show "S515 as described in the specification." Applicant has reviewed its specification and can find no reference to "S515". Applicant believes that the Office may be mistaken. It appears that the reference to Bibayan may be missing the "S515" designator to which the Office refers. Specifically, in Fig. 5 of Bibayan, the box to which the "yes" branch from box S512 points appears to missing its designator. Furthermore, in Bibayan's column 5 at around line 50, Bibayan discusses a box S515 which appears to refer to the same box in Fig. 5 which is missing a designator.

Accordingly, Applicant respectfully submits that the Office's objection to the drawings in the present application is misplaced.

## Specification Objection

The Office objects to the Specification because in the "Related Applications" section, there are no serial numbers for the corresponding references. Applicant has amended the Specification to include the corresponding serial numbers.

## Claim Objections

Claim 59 is objected to as being of improper dependent form for failing to further limit the subject matter of a previous claim. Specifically, claim 59 is a computer-readable medium claim and depends from a method claim.

The fourth paragraph of 35 U.S.C. §112 requires "a claim in dependent form shall contain a reference to a claim previously set forth and then specify a further limitation of the subject matter claimed." Claim 59 satisfies this statutory requirement.

Claim 59 is akin to an acceptable product-by-process claim in that defines a computer-readable medium having computer-executable instructions which direct a computer to perform the steps of the method set forth in claim 46. The method steps are thus physically embodied in a computer-readable medium. Claim 59 is proper in its construction in that it references and is dependent from the previous claim 46 and still further defines the product created having embodied thereon the method steps in the independent claim 46. Moreover, the metes and bounds of claim 59 are clearly set forth in the method steps of claim 46 from which claim 59 depends.

Claim 59 is written in a format that defines, in dependent form, a computer-readable medium with instructions to perform certain steps, thus enabling the

performance of the steps in the base claim 46. The format of claiming a computer-readable medium with instructions to perform certain steps or a computer programmed to perform the steps was approved in In re Beauregard, 35 USPQ2d 1383 (Fed. Cir. 1995).

The primary difference between the claims in In re Beauregard and the instant claim 59 is that the instant claim is crafted in a dependent format. Often this format raises an initial concern because the preamble of the base claim differs from that of the dependent claim. The present dependent claim 59, however, also complies with a format approved by the Board of Patent Appeals and Interferences in Ex parte Adrianus P.M.M. Moelands, 3 USPQ2d 1474 (PTO Board of Pat App and Int 1987). In Moelands, the Board upheld as appropriate the following dependent claim to a data transmission system:

> 11. A data transmission system comprising:
> at least two of the data transmission stations of claim 10;
> a clock bus interconnecting the clock terminals of the stations; and
> means which maintain the clock bus at the second voltage level in the
> absence of forcing by the stations.

Notice that the preamble in claim 11 to a "data transmission system" is different than the preamble in claim 10 to a "data transmission station". The Board held that this dependent claim format satisfies the statutory requirements of both the second and fourth paragraphs of 35 U.S.C. §112.

In view of the above reasons, Applicant respectfully requests that the objection of claim 59 be withdrawn.

## 35 U.S.C. §§ 102 and 103 Rejections

Claims 1, 2, 5-11, 35-40, 43, 46-48, 50-54 and 59 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,572,648 to Bibayan.

Claims 3, 4, 12, 13, 41, 42, 45, 49, 56 and 57 stand rejected under 35 U.S.C. § 103(a) as being obvious over Bibayan in view of U.S. Patent No. 5,742,504 to Meyer et al. (hereinafter "Meyer").

Claim 58 stands rejected under 35 U.S.C. § 103(a) as being obvious over Bibayan in view of U.S. Patent No. 5,602,996 to Powers III et al. (hereinafter "Powers").

Claims 69-79 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,611,840 to Baer et al. (hereinafter "Baer") in view of Meyer.

Before undertaking a discussion of the substance of the Office's rejections, the following discussion of Bibayan is provided to assist the Office in appreciating the patentable distinctions between Bibayan, the other references, and the claimed subject matter.


## The Bibayan Reference

Bibayan is directed to systems and methods for changing a dynamic tool palette in accordance with a current context of an application that provides a static display of windowing functions and a dynamic display of windowing functions. See, e.g. Abstract.

The operation of Bibayan's system and method is set out in more detail in column 4, starting at line 45. Specifically, Bibayan instructs that a dynamic tool palette display 22 (see Fig. 4) is a separate display that can alter its size, shape,

and contents in accordance with the context of a currently operating applet. To provide an example, Bibayan describes a situation in which a *user selects* a folder icon 23 and responsively, a new folder window is called to the foreground (see Fig. 6a) and its context is registered. A dynamic tool palette applet 24 displays the applicable tools for that container. See, column 4, lines 45-55.

Bibayan further instructs, starting in column 4 at line 55 that in operation, upon selecting a folder applet, the applet for that function is downloaded from a file server and stored in RAM. After the folder applet is downloaded, its context which includes a program handle and database ID number is registered with a context manager applet 21 (Fig. 6). Bibayan further instructs that in accordance with the stored context, dynamic tool palette 24 examines the registered context and determines whether to modify its tool display. If required, the tool display is modified.

Thus, it appears that Bibayan's system and method changes the content of its dynamic tool palette display 22 responsive to user selections of menu items that are displayed for the user. Such is readily apparent when the discussion appearing in column 5, lines 5-56 is considered.

### Claims Rejected over Bibayan under §§ 102 and 103

**Claim 6** has been rewritten in independent form to include the limitations from its independent claim—claim 1. Claim 1 has been cancelled. Claim 6 recites a method of exposing commands in a software application program comprising:

- determining a user's context within an application program *by ascertaining a position of a user's cursor within a document provided by the application program*; and

- automatically displaying at least one command on a display for the user based on the user's context.

In making out the rejection of this claim, the Office argues that Bibayan anticipates the subject matter of this claim. Specifically, the Office argues that Bibayan discloses determining the user's context by ascertaining the position of the user's cursor within a document provided by the application, citing to column 4, lines 40-44 in support therefor. Applicant respectfully disagrees and traverses the Office's rejection. Specifically, Bibayan discloses that the user's context is determined by ascertaining which *icon* a user clicks on. (See, e.g. column 4, lines 45-55 where the "user selects folder icon 23..." to provide a context that is used to drive the display in the dynamic tool palette). The icon that the user clicks on in Bibayan cannot be considered a "document" as that term is utilized in Applicant's Specification. Rather, the icon is more appropriately considered as a menu item.

As an example of subject matter that is embodies the spirit of this claim, the Office is referred to the Specification starting on page 12, line 24 through page 14, line 13, the entirety of which is reproduced below for the convenience of the Office:

### Context Sensitive Commands

In the described embodiment, command sets that include one or more individual commands are automatically presented to a user depending on the user's context. Specifically, depending on the type of action the user has taken, commands that are specific to that action will appear automatically thus obviating the need for the user to hunt through a menu structure to find commands of interest. This improves upon past approaches, which always presented top level commands, even when they were not needed by the user. This is also advantageous from the standpoint of assisting users who are unfamiliar with a particular software application. In the past, these users would have to hunt through an unfamiliar menu structure to find commands that may or may not be pertinent to an action

that the user desired to take. Users also had to know the names of the functionality in order to find the tools (e.g. the user needed to know what a "table" was to know that there are tools for tables in an appropriate menu). In the present case, contextually-appropriate commands are automatically presented and removed in an interface so that a user need not worry about finding appropriate commands. That is, the described embodiment maintains an invariant that contextually applicable commands are visible and other non-applicable commands are hidden from the user.

As an example, consider the following: A user is working in a word processing application and is in the process of preparing a document. The user selects, with their cursor, a portion of the text that they believe to be spelled incorrectly. Instead of having to go to a tool bar menu at the top of the document and pull down one or more other menus to find the spell checking feature, a spell checking context block automatically appears in an interface adjacent the document. The user can then correct the incorrectly spelled word using the spell checking context block. Once the word is corrected and the user's context is no longer associated with an incorrectly spelled word, the spell checking context block automatically disappears. As the user's context changes within their document, so too do the sets of automatically presented and removed commands. Consider further that the user has included a table in their document and that they wish to manipulate the table or its contents with table specific commands. In the past, the user would typically have to pull down a table menu entry and then select from one or more commands, some of which might present a dialog box that would obscure the user's document. In the present example, a user would simply select the table by placing the cursor inside of the table to have table-specific commands that are contextually accurate and appropriate automatically displayed in a dedicated space. Thus, a user need not hunt through a large menu structure to find commands that are appropriate for use. Here, contextually proper commands are automatically presented for the user. As the user's context changes, so too do the displayed command sets.

Interestingly, in this excerpt from the Specification, the described shortcomings of past systems (i.e. having to hunt through an unfamiliar menu structure; presenting top level commands even when not needed by a user; and having to know the names of the specific functionalities in order to find the tools)

appear to be very characteristic of Bibayan's system, and not characteristic of the presently claimed subject matter.

Accordingly, because Bibayan neither discloses nor suggests the subject matter of this claim, this claim is allowable.

**Claims 2-5, 7 and 9-11** depend from claim 6 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 6, are neither disclosed nor suggested in the references of record, either singly or in combination with one another. In addition, given the allowability of claim 6, the rejection of claims 3 and 4 over the combination with Meyer is not seen to add anything of significance.

**Claim 12** has been amended and recites one or more computer-readable media having computer-readable instructions thereon which, when executed by a computer, cause the computer to [added language appears in bold italics]:

- determine a user's context within an application program;
- automatically display, *independent of the user selecting any displayed menu item,* at least one command on a display for the user based on the user's context, said at least one command being displayed in a modeless fashion in which the user can continue to work within a document provided by the application program while said at least one command is displayed; and
- automatically remove said at least one command from the user's display responsive to a change in the user's context.

In making out the rejection of this claim, the Office argues that Bibayan discloses the subject matter of this claim except for displaying a command in a modeless fashion. To supply this element, the Office relies on Meyer and argues

that it teaches a system for displaying a dynamic toolbar similar to Bibayan, but further teaches the tool bar being displayed in a non-intrusive manner, citing to Fig. 3.

Applicant has clarified the subject matter of this claim to recite that the automatically display of the command(s) is *independent of the user selecting any displayed menu item.* Support for this amendment can be found in the Specification, one portion of which is cited above.

Applicant respectfully submits that neither Bibayan nor Meyer disclose or suggest any such subject matter. Rather, Bibayan teaches directly away from such subject matter. Accordingly, for at least this reason, this claim is allowable.

**Claim 13** depends from claim 12 and is allowable as depending from an allowable base claim. This claim is also allowable for its own recited features which, in combination with those recited in claim 12, are neither disclosed nor suggested in the references of record, either singly or in combination with one another.

**Claim 36** has been rewritten in independent form to incorporate the subject matter from its independent claim—claim 35. Claim 35 has been cancelled. Claim 36 recites a method of exposing commands in a software application program comprising:

- determining a user's context within an application program by evaluating at least portions of one or more expressions, *each expression being associated with a context block* and defining *a condition that describes one or more aspects of a <u>user's interaction with the application program</u>*; and
- automatically displaying at least one context block on a display for the user based on the user's context, individual context blocks

containing multiple commands that are possible selections for a user based upon their context.

In making out the rejection of this claim, the Office argues that Bibayan discloses, in column 2, lines 41-51, defining a context environment which creates data for a designated container and the steps of executing to determine environment and modifying with respect to the context. See, Office Action, page 7, para. 23.

Preliminarily, Applicant does not immediately understand the position that the Office appears to be taking. The claim recites that each expression is associated with a context block and defines a condition that describes one or more aspects of a user's interaction with the application program. It is unclear to Applicant what the Office is attempting to consider an "expression". Perhaps a clarification is in order.

The Office is respectfully referred to the Specification, starting on page 26, line 18, for a discussion of subject matter that embraces the spirit of this claim. This portion of the Specification is reproduced in its entirety for the convenience of the Office:

Expression Evaluation
As described above, context blocks are automatically presented to the user depending on the user's current context. In the described embodiment, an expression-based method is used to ascertain which contexts blocks to present and when to present them.
One way of implementing an expression-based method is as follows. *Each context block is associated with an expression that can evaluate to a predetermined value. Each expression is essentially a defined condition that describes some aspect of a user's interaction with a document.* As a user interacts with a document, the expressions, or at least portions of the expressions, are evaluated to ascertain whether they evaluate to the predetermined value. When one or more of the expressions evaluates to the

predetermined value, the context block that is associated with that expression is displayed for the user.

Fig. 8 is a flow diagram that describes steps in a method in accordance with the described embodiment. The described method can be implemented in any suitable hardware, software, firmware or combination thereof. In the illustrated example, the method is implemented in software.

Step 800 associates a context-sensitive UI with a visibility expression. An exemplary context-sensitive UI is a context block as described above. In the described example, a table is used for the association and includes two columns, one of which is associated with a particular context block, the other of which is associated with the context-block's visibility expression. Fig. 9 shows an exemplary table 900 with columns 902 and 904. Column 902 contains entries associated with each context block, while column 904 contains so-called visibility expressions that are associated with each of the context blocks. In the illustrated example, two exemplary context blocks are shown in column 902 with their corresponding visibility expressions in column 904. *For example, for the "Font Format" context block the visibility expression is "em & ts". The visibility expression is a Boolean expression that describes a condition in which the application is in "edit mode" (i.e. "em") with a portion of text having been selected (i.e. "ts"). For the "Table Commands" context block, the visibility expression is "em & ip=t + tbs" which translates to a condition in which the application is in edit mode and an insertion point lies within a table (i.e. "ip=t"), or a table has been selected (i.e. "tbs").*

Step 802 determines whether a visibility expression has changed in value because of a user's action. A user's action can typically change their context. A user's context could be based upon any type of variable such as user selection, insertion point, time of day, user's name, to name just a few. If the value of a visibility expression has changed, then step 804 removes visible UIs (i.e. context blocks) that are not applicable to the current context. Step 806 displays UIs that previously were not visible but are applicable to the user's current context.

In view of the above description and a thorough review of Bibayan, it is clear to Applicant that Bibayan neither discloses nor suggests anything remotely close to the subject matter of this claim. If the Office disagrees, Applicant very respectfully requests that the Office specifically point to a section of Bibayan that

discloses the claimed subject matter. Absent such a showing and for the reasons set forth above, this claim is allowable.

**Claims 37-45** depend from claim 36 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 36, are neither disclosed nor suggested in the references of record, either singly or in combination with one another. In addition, given the allowability of claim 36, the rejections of claims 41-42 and 45 over the combination with Meyer; and of claim 44 over the combination with Baer is not seen to add anything of significance.

**Claim 46** has been amended and recites a method of exposing commands in a software application program comprising [added language appears in bold italics]:

- determining a user's context within an application program *without requiring the user to make a menu selection*;
- based on the user's context, displaying commands that are associated with the context and which can assist the user in accomplishing a task; and
- while the commands are being displayed, enabling the user to select and apply various commands multiple times.

In making out the rejection of this claim, the Office argues that its subject matter is anticipated by Bibayan, citing to column 1, lines 17-22 in support therefor. Applicant has amended this claim to clarify that the act of determining is performed *without requiring the user to make a menu selection*. Bibayan neither discloses nor suggests any such subject matter. In point of fact, Bibayan teaches directly away from the subject matter of this claim as amended. Accordingly, for at least this reason, this claim is allowable.

Claims 47-59 depend from claim 46 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 46, are neither disclosed nor suggested in the references of record, either singly or in combination with one another. In addition, given the allowability of claim 46, the rejections of claims 49, 56 and 57 over the combination with Meyer; of claim 55 over the combination with Gayraud; and of claim 58 over the combination with Powers is not seen to add anything of significance.

## Claims Rejected over the Combination of Baer and Meyer

**Claim 69** has been amended and recites a computing system comprising [added language appears in bold italics]:

- a single application program configured to provide:
- a single navigable window;
- multiple different functionalities to which the single navigable window can be navigated by a user; and
- at least one context-sensitive command area that is associated with the single navigable window, the single application program being configured to automatically change command sets that are presented to the user within the command area as the user navigates to different functionalities, *at least some commands of the command sets being displayable independent of the user selecting any displayed menu item*.

In making out the rejection of this claim, the Office argues that Baer discloses the subject matter of this claim, except for a context-sensitive command area or a single application program configured to automatically change command sets that are presented to the user. The Office then relies on Meyer and argues that

it supplies the missing elements. Based on these two references, the Office argues that the subject matter of this claim would be obvious.

Applicant disagrees with the Office's characterization of the references and application of the references to the subject matter of this claim. Nonetheless, Applicant has clarified this claim to recite that *at least some commands of the command sets are displayable independent of the user selecting any displayed menu item*. Neither Baer nor Meyer disclose or suggest any such subject matter. Accordingly, for at least this reason, this claim is allowable.

**Claims 70-73** depend from claim 69 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 69, are neither disclosed nor suggested in the references of record, either singly or in combination with one another.

**Claim 74** has been amended and recites a computing system comprising [added language appears in bold italics]:

- a single application program configured to:
    - o display a single navigable window for a user to use in navigating between multiple different functionalities that can be provided by the single application program;
    - o provide at least one context-sensitive command area that is associated with the single navigable window, the single application program automatically changing command sets that are presented to the user within the command area as the user navigates to different functionalities, *at least some commands of the command sets being displayable independent of the user selecting any displayed menu item*; and
    - o incorporate different functionalities in an extensible manner so that the user can use the single navigable window to navigate to the different incorporated functionalities.

In making out the rejection of this claim, the Office argues that its subject matter is obvious in view of Baer and Meyer. Applicant respectfully disagrees. Nonetheless, Applicant has clarified the subject matter of this claim to recite that *at least some commands of the command sets are displayable independent of the user selecting any displayed menu item*. Neither Baer nor Meyer disclose or suggest any such subject matter. Accordingly, this claim is allowable.

**Claims 75-77** depend from claim 74 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 74, are neither disclosed nor suggested in the references of record, either singly or in combination with one another.

**Claim 78** has been amended and recites a computing method comprising [added language appears in bold italics]:

- displaying a user interface that comprises a single navigable window that can be navigated between multiple different functionalities that are provided by a single application program;
- receiving user input that indicates selection of a particular functionality;
- responsive to receiving said user input, navigating the single navigable window to the particular selected functionality and displaying in said window indicia of said functionality that can enable a user to accomplish a task associated with the particular selected functionality;
- determining a user's context within the selected functionality; and
- automatically displaying at least one command for the user based on the user's context *independent of the user selecting any displayed menu item*.

In making out the rejection of this claim, the Office argues that its subject matter is obvious in view of Baer and Meyer. Applicant respectfully disagrees. Nonetheless, Applicant has clarified the subject matter of this claim to recite that *at least one command is automatically displayed independent of the user selecting any displayed menu item*. Neither Baer nor Meyer disclose or suggest any such subject matter. Accordingly, this claim is allowable.

**Claim 79** depends from claim 78 and is allowable as depending from an allowable base claim. This claim is also allowable for its own recited features which, in combination with those recited in claim 78, are neither disclosed nor suggested in the references of record, either singly or in combination with one another.

## New Claims

**Claim 80** recites a method of exposing commands in a software application program comprising:

- determining a user's context within an application program *by ascertaining a user's selection within a document* provided by the application program; and
- automatically displaying at least one command on a display for the user based on the user's context.

None of the references disclose or suggest the subject matter of this claim. Accordingly, this claim is allowable.

**Claims 81-87** depend from claim 80 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 80, are neither disclosed

nor suggested in the references of record, either singly or in combination with one another.

**Claim 88** recites a method of exposing commands in a software application program comprising:

- determining a user's context within an application program; and
- automatically displaying at least one command on a display for the user based on the user's context, *independent of a user selecting any displayed menu item*.

None of the references disclose or suggest the subject matter of this claim. Accordingly, this claim is allowable.

**Claims 89-94** depend from claim 88 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 88, are neither disclosed nor suggested in the references of record, either singly or in combination with one another.
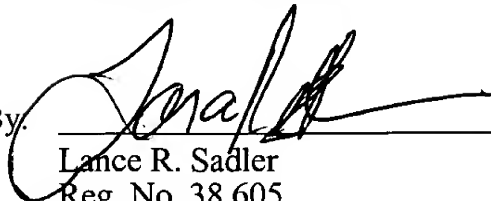
## Conclusion

Applicant respectfully submits that all of the claims are in condition for allowance and Applicant respectfully requests a Notice of Allowability be issued forthwith. If the next anticipated action is to be anything other than issuance of a Notice of Allowability, Applicant respectfully requests a telephone call for the purpose of scheduling an interview.

Respectfully Submitted,

Dated: 2/27/04

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